

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## GEO-LOGIC ASSOCIATES, INC.,

Case No.: 3:17-cv-00563-MMD-WGC

## Plaintiff

Order

METAL RECOVERY SOLUTIONS, INC.,  
et. al.,

Re: ECF No. 86

## Defendants

On January 6, 2020, Chief District Judge Miranda M. Du entered judgment in this action in favor of Plaintiff in the amount of \$2,037.586.00, plus prejudgment interest accruing from November 13, 2017 until the judgment is paid in full and in favor of Plaintiff on Defendant's claims. (ECF No. 58.)

Defendant Metal Recovery Solutions, Inc. filed emergency motions to stay execution of the judgment. (ECF Nos. 59, 62.) The motions were denied. (ECF Nos. 69, 84.)

On February 6, 2020, Plaintiff filed a motion for writ of execution (ECF No. 71), motion for writ of garnishment (ECF No. 72), and proposed order (ECF No. 73).

On February 14, 2020, the court advised Plaintiff's counsel to resubmit the writ of execution on the proper form (the writ of execution form on the court's website), and to use the proper interest rate of 1.23% under 28 U.S.C. § 1961, 18 U.S.C. §3612(f)(2) and 40 U.S.C. §3116. (ECF No. 85.)

On February 18, 2020, Plaintiff filed a new motion for writ of execution.

1 The prior writ of execution contained the correct judgment amount of \$2,037,586.00.  
2 (ECF No. 71 at 1.) It also indicated that defendant Metal Recovery Solutions, Inc. had paid and  
3 partially satisfied the judgment in the amount of \$146,030, plus interest on that amount;  
4 therefore, \$1,891,556.00 of the judgment, plus prejudgment interest accruing from September  
5 13, 2017 remained to be paid. (*Id.* at 2.) The document then set forth the accrued interest, at the  
6 rate provided under Nevada law instead of federal law. (*Id.*)

In the newly submitted motion for writ of execution, the amount of the judgment is incorrect. The new document also appears to fail to account for the \$146,030 payment noted in the prior writ. In addition, the document reflects the correct interest rate, but the calculations for interest per day appear to be incorrect. Finally, counsel has not re-filed his request for writ of garnishment. There is no form provided by the clerk, so Plaintiff will need to re-submit that request *utilizing the proper interest rate.*

13 The motion for writ of execution (ECF No. 86) is **DENIED WITHOUT PREJUDICE**.  
14 Plaintiff shall **FILE** a new writ of execution (on the court's form) as well as a new writ of  
15 garnishment, correcting the deficiencies noted above as to both within **10 days** of the date of this  
16 Order.

## 17 | IT IS SO ORDERED.

18 | Dated: March 4, 2020

William G. Cobb